

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

LEGATO SYSTEMS, INC.
(now EMC Corp.),

Plaintiff,

v.

NETWORK SPECIALISTS, INC.
(now NSI Software, Inc)

Defendant.

Case No. CO3 02286 JW (HRL)

**STIPULATION AND ORDER TO
ENLARGE TIME**

STIPULATION AND ORDER

STIPULATION AND [PROPOSED] ORDER TO ENLARGE TIME

CASE No. C03 02286 JW (HRL)

Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, Plaintiff Legato Systems, Inc. (now EMC Corporation) (“EMC”) and Defendant Network Specialists, Inc. (now NSI Software, Inc.) (“NSI”) (collectively, “the parties”) hereby submit this stipulated request for an Order to Enlarge Time.

WHEREAS, Defendant, Network Specialists, Inc. (NSI) has noticed for hearing on December 19, 2005: (i) a Motion for Summary Judgment of Unenforceability of the ‘141 and ‘283 Patents Due to Inequitable Conduct; (ii) a Motion For Summary Judgment of Invalidity of the ‘141 and ‘283 Patents Due To The On-Sale Bar and Public Use Provisions of 35 U.S.C. § 102(b); and (iii) a Motion for Summary Judgment of Non-Infringement of the ‘141 and ‘283 Patents (collectively, “NSI’s Summary Judgment Motions”);

WHEREAS, Plaintiff has not previously requested an extension of time for the filing of its Oppositions to NSI’s Summary Judgment Motions and Defendant has not previously requested an extension of time for the filing of its Replies to Plaintiff’s Oppositions to NSI’s Summary Judgment Motions;

WHEREAS, the parties believe that the extensions of time requested hereby will not alter other dates already scheduled by the Court; and

WHEREAS, the extensions of time requested herein will provide Plaintiff, in its Oppositions, an opportunity to more fully address issues raised in NSI’s Summary Judgment Motions and will provide Defendant, in its Replies, an opportunity to more fully address any issues that may be raised in Plaintiff’s Oppositions, thereby providing a more complete record for review by the Court prior to the requested hearing on the motions, and may provide additional time for the parties to confer and resolve issues before the requested hearing on NSI’s Summary Judgment Motions;

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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that, the Court permitting, (i) the time for Plaintiff to file its Oppositions to NSI's Summary Judgment Motions be extended to December 19, 2005; (ii) the time for Defendant to file its Replies to any Oppositions filed by Plaintiff be extended to January 9, 2006; and (iii) the time for a hearing on NSI's Summary Judgment Motions be set to February 13, 2006 at 9:00 A.M., or to such date thereafter as the Court can accommodate.

Dated: November 21, 2005

McDERMOTT, WILL & EMERY

CLIFFORD CHANCE US LLP

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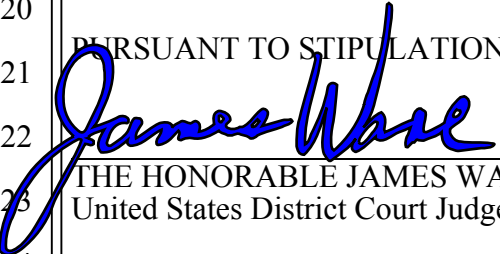
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Attorneys for Defendant Network Specialists, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED:


THE HONORABLE JAMES WARE
United States District Court Judge

Dated: __NOVEMBER 23_____, 2005

STIPULATION AND [PROPOSED] ORDER TO ENLARGE TIME

CASE No. C03 02286 JW (HRL)